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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,359	03/18/2004	Keiichi Mori	KPO194	5837
25271	7590	08/11/2005		EXAMINER
GALLAGHER & LATHROP, A PROFESSIONAL CORPORATION 601 CALIFORNIA ST SUITE 1111 SAN FRANCISCO, CA 94108			CHIEM, DINH D	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/803,359	MORI, KEIICHI <i>(initials)</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Erin D. Chiem	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 10/26/04 3/18/04.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities:

There are multiple unclear claim recitations. In line 3-5 there are three instances. The recitation "...in its one surface..." may be interpreted as grammatically incorrect and perhaps the recitation should be "in one of its surface. Thus leads to another clarity issue of the word "it." Similarly, the recitation "their positions" and "their arrangement" is unclear.

On line 16, perhaps Applicant intends to recite, "spaced" since the verb is following the helping verb *are*.

The informalities mentioned above is only exemplary, Applicant is required to make appropriate corrections throughout the Specification and the claims.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Jian (US Publication 2003/0002809 A1).

Regarding claims 1, 2, and 8, Jian teaches an optical monitor module comprising a substrate in Figure 6 having formed on the upper surface a positioning structure, namely an array

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of v-grooves [0154] and reference numbers 631, 633, 635 for positioning a plurality of optical fibers 641, 643 in parallel. The first and second optical fibers having formed integrally therewith at the same end lens portions 621. A beam splitter mounted on said substrate at a position intermediate between the elongations of said lens portions of said first and second optical fibers, for transmitting there through a portion of light emitted from said lens portion of said first optical fiber and for reflecting the other portions of said light for incidences on said lens portion 623 of said second optical fiber 643; wherein the optical paths between said lens portions of said first and second optical fibers and said beam splitter are spaced.

Regarding claims 3-5, Jian teaches an array of v-grooves for the purpose of aligning the fibers 641, 643, and 645 with the receiving elements 642, 644, and 646 which clearly infers to one of ordinary skill in the art that the array is fabricated with the same shape and depth.

Regarding claims 6 and 7, the line of intersection wherein the ray transmitted from the lens of the first fiber and the lens of the second fiber intersect near a straight line centrally extending intermediately between and the elongations of the first and second optical fiber. A simple ray trace and a drawn imaginary line between the fibers 641 and 643 of Figure 6 will clearly teach this limitation.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawaguchi et al teach an optical module of two parallel spaced fibers aligned inside v-grooves transmitting rays incident upon a filter and transmit a portion of the light to the

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receiver and a portion of the light to the second fiber. Similarly, Fairchild et al. and Hata teaches the similar configuration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin D. Chiem whose telephone number is (571) 272-3102. The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erin D Chiem  
Examiner  
Art Unit 2883

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